

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**Case No. CBA-2198-A**

**PETITION OF DR. WILHEMINA G. CAMINA**

OPINION OF THE BOARD  
(Opinion Adopted May 18, 2005)  
(Effective Date of Opinion June 8, 2005)

Case No. CBA-2198-A is a petition for modification of a special exception for a non-resident medical practitioner's office. The request also seeks a waiver from the parking requirements of Sections 59-E-2.83(c) and 59-E-2.83(b) of the Zoning Ordinance.

The Hearing Examiner for Montgomery County held a public hearing on the petition on April 22, 2005, and on May 5, 2005, issued a Report and Recommendation for approval of the modification and waiver requests.

Decision of the Board:	Special Exception Modification and Parking Waivers <b>Granted</b> Subject to Conditions Enumerated Below.
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The subject property is Lots 1 and 2, Block T-1, Aspen Hill Park Subdivision, located at 4912 Adrian Street, Rockville, Maryland, 20853, in the R-60 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on May 18, 2005. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the requested modification and parking waivers subject to the following conditions:

1. The Petitioner is bound by her testimony, the testimony of her witness and her representations and exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation or in the opinion of the Board;
2. The Petitioner's office space is limited to the space it now occupies, and not less than 50% of the floor space shall be maintained for residential use;
3. The Petitioner's hours of operation are limited to 8:30 a.m. to 8 p.m., Monday through Saturday (She may decrease, but not increase, these new hours without seeking further Board approval);
4. The Petitioner may not have more than one physician practicing from this office space at any given time, which permits her to have another physician utilize the office space when she is not there; and
5. The Petitioner may employ no more than two full-time support staff at the subject office.
6. The Petitioner may keep the addition, the deck, her two sheds, and the fencing as shown on the Site Plan, as long as she obtains appropriate permits and approvals from the Department of Permitting Services, with 45 days of the issuance of this opinion.
7. Petitioner shall install the new hedges and trees shown on the site Plan / Landscape and Lighting Plan (Exhibit 23(a)) intended to screen the parking lot from the neighborhood within 60 days of the issuance of this opinion.
8. Petitioner should also install the new lighting fixtures called for in her application, and may keep those old fixtures which are presently there and are not being replaced.
9. The parking lot should be expanded to add one handicap-accessible parking space, bringing the total number of spaces in the lot to five and configured as shown in the Site Plan. One additional parking space should be retained in the driveway located in front of the house towards its eastern edge.
10. Pursuant to Zoning Ordinance §59-E-4.5, a waiver is granted from the double side-yard setback requirements contained in Zoning Ordinance §59-E-2.83(b) and the six foot screening requirements contained in Zoning Ordinance §59-E-2.83(c) because those requirements are not necessary to accomplish the objectives of

Zoning Ordinance §59-E-4.2, and indeed would frustrate those purposes in this case because they would be inappropriately applied to an internal lot line between two lots comprising the subject site; however, the waiver is conditioned upon Petitioner installing the hedges and trees shown in the Site Plan (Exhibit 23(a)) in order to appropriately screen the parking lot from the neighborhood.

11. All conditions of the special exception shall continue in effect except to the extent they are modified herein.

On a motion by Angelo M. Caputo, seconded by Louise L. Mayer, with Wendell M. Holloway, Donna L. Barron and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 8<sup>th</sup> day of June, 2005.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.